



Amendments to the Claims

This Listing will replace all prior versions, and listings, of claims in the application:

Claims 1-21 (canceled).

22. (original) Fusion protein OTP/CP4.

Claims 23-35 (canceled).

Rule 1.126
~~36~~ ~~35~~ (previously presented) An isolated DNA sequence comprising, in the direction of transcription, a functional fragment of the sequence of the maize H3C4 promoter and a functional fragment of the first intron of rice actin.

~~37~~ ~~36~~ (previously presented) The DNA sequence according to claim ³⁶~~35~~ wherein said sequence of the maize H3C4 promoter is the AluI fragment of the maize H3C4 promoter.

~~38~~ ~~37~~ (previously presented) The DNA sequence according to claim ³⁶~~36~~ wherein the functional fragment of the sequence of the maize H3C4 promoter comprises a sequence homologous to SEQ ID NO: 1.

~~39~~ ~~38~~ (previously presented) The DNA sequence of claim ³⁸~~37~~ wherein said functional fragment of the first intron of rice actin comprises a sequence homologous to SEQ ID NO: 2.

~~40~~ ~~39~~ (previously presented) The DNA sequence of claim ³⁶~~38~~ comprising a neutral DNA fragment between said functional fragment of the sequence of the maize H3C4 promoter and said functional fragment of the first intron of rice actin.

~~41~~ ~~40~~ (previously presented) An isolated DNA sequence comprising a sequence homologous to SEQ ID NO: 3.

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⁴²~~41~~. (previously presented) An expression cassette comprising a coding sequence and heterologous regulatory elements at the 5' and 3' positions relative to the coding sequence capable of functioning in monocotyledonous plant cells or monocotyledonous plants, wherein the 5' regulatory element comprises the DNA sequence of claim 35.

⁴³~~42~~. (previously presented) The expression cassette of claim ⁴²~~41~~ wherein said coding sequence is a DNA sequence encoding a protein of interest.

⁴⁴~~43~~. (previously presented) The expression cassette of claim ⁴²~~41~~, wherein the DNA sequence encoding a protein of interest is a DNA sequence encoding a selectable marker.

⁴⁵~~44~~. (previously presented) The expression cassette of claim ⁴²~~41~~ wherein said protein of interest is selected from the group consisting of a DNA sequence encoding a protein that confers herbicide tolerance, a DNA sequence encoding a protein that confers insect tolerance, and a DNA sequence encoding a protein that confers disease tolerance.

⁴⁶~~45~~. (previously presented) The expression cassette of claim ⁴⁵~~44~~ wherein said wherein the DNA sequence encoding a protein that confers herbicide tolerance is selected from the group consisting of a DNA sequence encoding PAT conferring tolerance to bialophos, a DNA sequence encoding an EPSPS conferring resistance to herbicides having EPSPS as a target, a DNA sequence encoding glyphosate oxidoreductase, and a DNA sequence encoding an HPPD conferring tolerance to herbicides having HPPD as a target.

⁴⁷~~46~~. (previously presented) The expression cassette of claim ⁴⁶~~45~~ wherein the DNA sequence encoding a protein that confers herbicide tolerance is a DNA sequence encoding an EPSPS or a DNA sequence encoding an HPPD.

⁴⁸~~47~~. (previously presented) The expression cassette of claim ⁴⁷~~46~~ wherein the DNA sequence encoding a protein that confers herbicide tolerance is a DNA sequence encoding CP4 or a double-mutant EPSPS.

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~~48~~. (previously presented) The expression cassette of claim ⁴⁵~~44~~ wherein said DNA sequence is preceded by a sequence encoding a transit peptide.

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~~49~~. (previously presented) The expression cassette according to claim ⁴⁹~~48~~ wherein said transit peptide is the optimized transit peptide.

⁵¹
~~50~~. (currently amended) An expression cassette comprising, in the direction of transcription, a 5' regulatory element of ~~claim 1~~ ³⁶claim ~~35~~ ³⁶functionally linked to a sequence encoding a fusion protein, functionally linked to a 3' regulatory sequence, wherein said fusion protein comprises a transit peptide linked to a protein of interest.

⁵²
~~51~~. (previously presented) The expression cassette of claim ⁵¹~~50~~, wherein said protein of interest is a protein that confers herbicide tolerance selected from the group consisting of PAT, EPSPS, glyphosate oxidoreductase, and HPPD.

⁵³
~~52~~. (previously presented) The expression cassette of claim ⁵²~~51~~, wherein the sequence encoding a fusion protein is a sequence encoding the fusion protein OTP/double-mutant EPSPS or a sequence encoding the fusion protein OTP/CP4.

⁵⁴
~~53~~. (previously presented) An isolated DNA sequence encoding a fusion protein OTP/CP4.

⁵⁵
~~54~~. (previously presented) An expression cassette comprising in the direction of transcription, a 5' regulatory sequence functionally linked to a sequence encoding a fusion protein OTP/CP4, optionally linked to a 3' regulatory sequence, wherein said expression cassette functions in plants or plant cells.

⁵⁶
~~55~~. (previously presented) A cloning or expression vector for the transformation of a plant cell or of a plant, which comprises an expression cassette of claim ⁴²~~41~~ and at least one replication origin.

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~~56~~. (currently amended) The vector of claim ⁵⁶~~55~~, wherein said vector is a plasmid.

⁵⁸
~~57~~. (previously presented) A method of transforming plant cells, comprising integrating the expression vector of claim ⁴²~~41~~ into plant cells.

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~~58~~. (previously presented) A plant cell which contains at least one expression cassette of claim ⁴²~~41~~.

⁶⁰
~~59~~. (previously presented) A transformed plant which comprises a plant cell of claim ⁵⁹~~58~~.

⁶¹
~~60~~. (previously presented) A transformed plant which is regenerated from a plant cell of claim ⁵⁹~~58~~.

⁶²
~~61~~. (previously presented) A transformed plant produced from the culture of a transformed plant of claim 59 or the crossing of a transformed plant of claim ⁶⁰~~59~~ with another plant.

⁶³
~~62~~. (previously presented) A transformed seed of the transformed plant of claim ⁶⁰~~59~~.

⁶⁴
~~63~~. (previously presented) A method of controlling weeds in a field comprising weeds and seeds or plants, said seeds or plants each comprising the expression cassette according to claim ⁴²~~41~~, which method comprises applying to the field a dose of herbicide which is toxic to the weeds but to which the seeds or plants are tolerant.

⁶⁵
~~64~~. (previously presented) A method of cultivating plants transformed with the expression cassette of claim ⁴²~~41~~, which method comprises,
sowing seeds comprising said expression cassette in a field comprising weeds;
cultivating plants from the seeds;

applying to the field a dose of herbicide which is toxic to the weeds but to which the seeds or plants are tolerant prior to sowing the seeds or during cultivation of the seeds; and;

harvesting the cultivated plants when they reach maturity.

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1.126 ~~65~~. (previously presented) The method of claim ~~64~~^{*65*} wherein said herbicide is applied before sowing the seeds, before emergence of the plants or after emergence of the plants.